

REMARKS

Reconsideration of the application is requested in view of the amendments above and comments which follow.

First of all, the undersigned, the inventor, Richard Tostevin, and the inventor's U.K. agent, David Stanley, thank Examiner Swinehart for the courtesy of the telephone interview that was conducted on May 2, 2008. During that interview, the matters raised by the Examiner in the final Office Action of January 4, 2008 were discussed, and it was decided that claim amendments would be made in order to not only to clarify the invention, but also deal with the matters raised by the Examiner in the final Office Action, to the extent that clarification was needed. During the interview, the undersigned had indicated that the response would probably be filed and the Examiner could then consider whether or not to enter the response or issue an advisory action, but, following the interview, given the changes that were decided to be presented as well as the new claims, it was clear that the response would not be entered, and a request for continued examination would be required. In order to speed along handling of the application, therefore, and avoid the delay of an advisory action and then filing of a subsequent request for continued examination, the request for continued examination is being filed as part of this response.

In view of the matters raised by the Examiner in the final Office Action, the following sections of these remarks are numbered to correspond to the numbered sections in the detailed action by the Examiner.

1. Headings

Appropriate headings have been added to the specification. All is believed to be in order.

2,3,4. "Movement of the mast".

Upon close study, the lead line for reference 4 in Figure 2 is directed to the bowsprit.

The tabernacle referenced 6 in Figures 1 and 2 includes the central portion at the foot of the mast 1 and the two side portions at the respective sides, all as described in the specification and illustrated.

Applicant refers to the specification as follows (emphasis added).

Page 6, line 3:

"A mast 1 is secured directly or indirectly to the hull 7 by a tabernacle 6."

Page 6 lines 13 to 16:

"The tabernacle 6 comprises a central portion aligned with the centre line of the hull 6 to receive a lower, central portion of the mast 1, and two side portions each at or adjacent a respective side of the hull 7, to receive a respective side portion of the mast 1."

Page 8, lines 9 to 17:

"Preferably, the tabernacle 6 affords pivotal movement of the mast 1, so that the mast 1 may be rotated through 90 degrees when not in use. This facilitates manoeuvring and docking of the craft in confined locations. It is not essential for the mast to be rotatable through a full right angle. It may be sufficient for the mast 1 to be rotatable through a smaller angle, such that it extends more fore and aft of the hull than abeam of the hull – or at least remains within the external dimensions of the hull. To this end, the central portion of the tabernacle 6 may pivot itself, and the side portions of the tabernacle 6 may hold the side portions of the mast 1 releasably.

Page 9, lines 14-15:

"In addition to providing pivotal movement of the mast 1 about an upright axis for stowage ..."

If it were considered helpful, a rotation arrow might be added to Figure 1 or 2, to illustrate pivotal movement of the mast 1 for stowage.

Additionally or perhaps an alternative would be simply to supplement the reference 6 for the tabernacle in the drawings and specification with 6a (central portion) and 6b (side portions). Applicant will do so if the Examiner wishes.

5,6,7. Prior Art

Wilkie and Rudloff were discussed in some detail during the interview, and it was agreed that, although the difference of the present invention was appreciated, amendment to the claims wording was desirable, to bring out the difference more clearly.

The claims have been amended accordingly.

COMMENTS ON CLAIM 41: In consideration of the Examiner's interpretation of the final clause of the claim, the wording of that feature has been repositioned in the claim and the word "beyond" added, to make it clear that the mast extends beyond the side of the hull. As suggested by the Examiner, the verb "returns" has been reconsidered and replaced with wording to indicate more clearly that after extending upwardly and outwardly, the mast then extends inwardly to a point substantially above the centre line of the hull. Careful consideration has been given to the most appropriate way of distinguishing the claim wording from Rudloff, which was accepted as being, in principal, rather different from the present invention. It is noted that one of the most significant practical differences between sailing boards as in Rudloff and sailing boats as in Tostevin is that, in the former, the mast has to be supported by the user in order to control the device whereas, in the latter, the mast is substantially fixed in use. Therefore, the latter feature has been added to the claim to provide a clear distinction from devices as in Rudloff.

COMMENTS ON CLAIM 45: As explained in the present application, it is possible to have a single mast at one side of the hull, and this is reflected in the wording of claim 41. Claim 45 follows the wording and content of claim 41, but is directed to the case wherein a mast has two opposing side portions that are joined at the top. It was found more practical to draft new claim 45 as an independent claim, rather than a claim dependent upon claim 41. The dependent claims have been amended accordingly. In all other respects, it is believed that the claim wording is clarified and distinguished from Rudloff, in the same way as claim 41.

COMMENTS ON CLAIM 46: The differences between Tostevin and Wilkie

(and others) were discussed at some length in the interview. As compared to prior proposals with a "twin mast" arrangement, the Tostevin mast is "fat" – whether as a continuous loop or effectively taking in part of the hull / deck. There are two ways in which this can be expressed. Firstly, as in claims 41 and 45, the Tostevin mast extends beyond the width of the hull, as it extends upwardly and then inwardly to a point above the hull; this will be the case with most hulls of conventional shape. Another way of expressing it, as indicated in the specification and included in original claim 5, is that the overall width of the Tostevin mast is at least 60% of its height; this may be the case with hulls of unusual shape. Therefore, the opportunity has been taken to add independent claim 46 to this feature. In other respects, claim 46 is much the same as independent claim 45.

COMMENTS ON CLAIM 47: It was noted in the discussion during the interview that the provision of the mast as a closed loop was of interest; indeed, this was mentioned in the original claim 1. Therefore, the opportunity has been taken to include dependent claim 47 to this feature.

It is submitted that the application, as amended, distinguishes from the prior art and is allowable thereover. It is believed that the unique features of the invention have been brought out in the amended claims, and the claims distinguish from the known prior art.

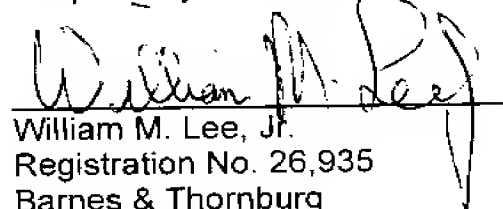
Finally, regarding fee calculation for the claims, it is noted that there are now 41 total claims (as in the application as filed), and there are a total of three independent claims. Since the fees for 41 total claims and three independent claims have already been paid, no additional claims fees are due. Should the Patent and Trademark Office disagree, the Patent and Trademark Office is authorized to charge any additional claims fees to deposit account number 12-0913, following telephone confirmation of the same by the undersigned.

An appropriate Petition for Extension of Time is also submitted herewith.

Further and favorable reconsideration of the application is requested.

May 5, 2008

Respectfully submitted

A handwritten signature in black ink, appearing to read "William M. Lee, Jr.", is written over a horizontal line.

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